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## Oklahoma

### Office of the Attorney General

W.A. Drew Edmondson

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#### Office Sections

#### Consumer Protection



Jane Wheeler  
Unit Chief

The Consumer Protection Unit's mission is to protect vulnerable consumers from fraudulent, unfair or deceptive business practices

#### 2007 Highlights

When Jane Wheeler joined the attorney general's office in 1984, the consumer protection landscape was not what it is today. There were no other attorneys and only a few support staff members devoted to consumer protection. All that changed when Attorney General Edmondson took office in 1995 and set out to fulfill his pledge to strengthen consumer protection in Oklahoma. Today, the Consumer Protection Unit (CPU) works with businesses and consumers to investigate and prosecute fraud against Oklahomans.

"We've truly come a long way," Wheeler said. "There is simply no way we could serve the number of people we do without the attorneys, investigators and support staff we now have. The attorney general has made a commitment to stopping consumer fraud, and Oklahomans are better served for that."

In 2007, the CPU received 7,602 calls from consumers who reported everything from home repair fraud to violations of the state's Do Not Call law. To date, more than 620,000 telephone numbers are registered on the Oklahoma Do Not Call List, which went into effect in 2003.

"The response to the Do Not Call law has been more than positive," Wheeler said. "Consumers have shown their support for the law by signing up for the list, so we take that law very seriously. It's our job to enforce violations of the Do Not Call law, and we've done that. The result has been a reduced number of telemarketing calls for consumers, and that's something of which we're very proud."

In 2007, the CPU also hosted the third annual Consumer Protection Day at the Capitol. On Feb. 8, the CPU partnered with AARP Oklahoma, Shred It and numerous other consumer advocates and agencies to provide free document shredding on the south steps of the state capitol. Consumers turned out for the event in droves, shredding about eight tons of personal and financial documents. "Document shredding is one of the best ways consumers can avoid becoming victims of identity theft," Wheeler said. "Scammers are always evolving with new technology, but the rules for keeping your personal information safe stay basically the same. We are constantly working to spread that message."

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#### Criminal Appeals

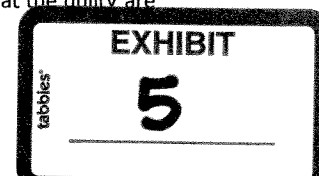


Jennifer Miller  
Section Chief

The Criminal Appeals Section represents the state in the criminal appeals process to ensure that the decisions rendered by judges and juries are upheld in the appellate courts.

#### 2007 Highlights

Each year, thousands of criminal convictions are handed down by Oklahoma judges and juries. The crimes range from shoplifting to murder, but they all have one thing in common. If the conviction is appealed, it becomes the responsibility of the attorney general's Criminal Appeals Section to ensure that the guilty are held accountable for the crimes they commit.



"It can be a heavy burden," said Jennifer Miller, chief of the Criminal Appeals Section. "Some of the crimes we see are brutal in nature, and it can wear on you as a prosecutor. But there are victims' family members to think about. There is the safety of the public to consider. Justice is at stake."

In 2007, the Criminal Appeals Section filed 445 briefs in state courts and 223 briefs in federal courts. The section also argued seven cases before the Oklahoma Court of Criminal Appeals and 10 cases before the 10th Circuit Court of Appeals, including 14 capitol cases.

"The capitol cases do not make up the bulk of what we do, but they are generally the most high profile," Miller said. Right now, we have five attorneys trained to handle death penalty appeals."

In 2007, Oklahoma executed three death row inmates. On Jan. 9, 2007, Tulsa County death row inmate Corey Duane Hamilton was put to death by lethal injection at the Oklahoma State Penitentiary. Hamilton was convicted of the Aug. 17, 1992, murders of Theodore Kindley, 19, Senaida Lara, 27, Joseph Gooch, 17 and Steven Williams, 24. The second person executed in Oklahoma in 2007 was Tillman County death row inmate Jimmy Dale Bland. Bland was convicted of the Nov. 14, 1996, murder of Doyle Windle Rains, 62. Also executed in 2007, Frank Duane Welch was convicted of the Feb. 25, 1987, murder of Jo Talley Cooper, 29.

In addition to capitol cases, the Criminal Appeals Section represents the State in all criminal appeals, including cases involving child abuse and rape.

"There is honor in this job," Miller said. "We are not just the attorneys for the state. We represent crime victims. We represent the family members left behind by tragedy. This is important work."

## Environmental Protection Unit



Kelly Hunter Burch  
Unit Chief

The Environmental Protection Unit works to protect Oklahoma's natural resources and provides legal representation to state environmental agencies.

### 2007 Highlights

When Attorney General Edmondson talks about the legacy the current generation will leave the next, without fail he mentions the quality of our lakes and streams. In this fight, he has many allies, but perhaps none more involved than Kelly Burch, the chief of the attorney general's Environmental Protection Unit (EPU).

For the past five years, Burch has been leading the state's litigation against out-of-state poultry companies, who, through the overapplication of poultry litter, are responsible for the pollution of the Illinois River Watershed. The litigation was filed in 2005 after almost four years of negotiations failed to bring about an enforceable solution.

"For years now, the poultry companies have been applying waste directly to the land in eastern Oklahoma," Burch said. "The waste can be a beneficial fertilizer, but when it is over-applied as we allege, it runs off into the water. From there, it causes a host of problems, including dangerously high levels of fecal bacteria. This ends up in a watershed where people recreate, and it is a potential health hazards."

Cleaning up all of the damage allegedly caused by the industry will carry a hefty price tag -- one that, if not shouldered by those causing the damage, will be born by taxpayers. "More than twenty public water supplies rely on the Illinois River Watershed for their drinking water," Burch said. "The treatment process necessary to treat the water in the IRW can cause a new cycle of problems because some of the chemicals used mix with the pollutants in the water and produce suspected carcinogens. All of this must be addressed if we are to solve this problem. We were hopeful that an agreement could be reached without the court's assistance, but that has not happened. We will now proceed in federal court."

The poultry case is scheduled to go to trial in the Northern District Court

in 2009. For now, Burch and the EPU continue to work to protect Oklahoma's waterways and other natural resources. "We do this work because we believe in it," Edmondson said. "We know what we're up against, but this is a fight we must win. The next generation depends on it."

## General Counsel Section



Gay Tudor  
Section Chief

In addition to several specialized duties, the General Counsel Section provides day-to-day legal advice for state agencies, boards and commissions.

### 2007 Highlights

In Oklahoma, there are a handful of agencies who have in-house legal counsel. For the most part though, the responsibility of providing legal advice to the state's agencies, boards and commissions falls squarely on the attorney general's General Counsel Section.

"We deal with all kinds of agencies, and with that comes a wide variety of legal issues," said Gay Tudor, chief of the General Counsel Section. "Our work is pretty diverse in that way. Some of our attorneys are quite knowledgeable on multiple subjects, because they have to be in order to perform their job duties."

In addition to providing legal counsel, the General Counsel Section also oversees the Attorney General Opinion process. Anytime a state legislator, district attorney or agency head needs interpretation of an Oklahoma law, they can request that interpretation of the attorney general's office. The question will then be assigned to an attorney within the General Counsel Section, who will, in turn, research case laws, statutes and court decisions to determine how best to apply the law.

In 2007, the General Counsel Section issued 43 official Opinions, each one carrying the full force and effect of law. "Basically, an assistant attorney general reviews the question and performs all the necessary legal research," Tudor says. "Once that is complete, the attorney presents the question to a group of attorneys within the office and defends the position he or she has taken on the law. If a revision is necessary, that will occur, and then the Opinion will be released to the public." The General Counsel Section also serves as the ex officio Bond Commissioner for the state. As such, it reviews all bonds issued by any county, township, municipality, political or other subdivision of the state. In 2007, the Section reviewed 221 bond transactions totalling \$835,986,118.

"Much of the responsibility of reviewing bond transactions falls to Assistant Attorney General Lynn Rogers," Tudor said. "He does a great job working with outside entities to ensure that the bond process is conducted legally. Bonds are just another example of how the work of the General Counsel Section affects agencies and citizens outside of the attorney general's office."

## Litigation Section



Sue Noland  
Section Chief

The Litigation Section defends and prosecutes the state's civil matters. The section also works to recover monies wrongfully taken from the state and supports litigation on behalf of the state in every county and jurisdiction.

### 2007 Highlights

Each year, hundreds of lawsuits are filed against the state. The lawsuits range in nature from complaints about the meal options for prisoners to cases involving life and death.

In 2007, there were two cases in particular that garnered extensive interest from both the media and the public. The first case involved Oklahoma's initiative petition process. Under current Oklahoma law, individuals who circulate initiative petitions in the state are required to be Oklahoma residents. In 2007, two non-resident circulators, along with the proponents of an initiative petition seeking to apply term limits to certain elected officials, filed a federal lawsuit challenging the residency requirement.

"It is our duty to defend the statutes in Oklahoma as they are on the books," said Sue Noland, chief of the attorney general's Litigation Section. "When this suit was filed, our research found compelling reasons why, in this case, the law is not only defensible in court, but necessary to ensure a valid initiative petition process."

The court agreed, finding that Oklahoma has "a compelling interest in protecting and policing both the integrity and the reliability of its initiative process," and that at trial, the state presented "overwhelming evidence that calls into question the integrity of ... non-resident circulators."

Also in 2007, the Litigation Section worked to uphold the process by which death row inmates are executed in Oklahoma after one such inmate, Jimmy Dale Bland, challenged the state's method. Attorneys for Bland argued that the lethal injection process utilized by the state carries a risk, however slight, of conscious suffering. A federal court denied the challenge, recognizing that "the state and the victims of crime can expect the moral judgment of the state to be carried out without delay."

"Oklahoma's execution process is carried out by the Department of Corrections," Noland said. "The drugs used, the amounts of those drugs used, and the order in which they are administered have all been studied extensively to best ensure a painless process for the inmate. Bland's case was not unlike the hundreds of others filed each year across the country. We recognize that this is a debate that is ongoing, and we will continue to work to uphold Oklahoma's process on behalf of victims."

## Multicounty Grand Jury Unit



Joel-Lyn McCormick  
Unit Chief

The Multicounty Grand Jury Unit investigates and prosecutes cases ranging from homicide to narcotics violations. The unit also administers all aspects of the Multicounty Grand Jury.

### 2007 Highlights

In an ideal society, there would be no need for a Multicounty Grand Jury or the Unit that supports it. But as history has shown, our society is not ideal.

The Multicounty Grand Jury Unit (MGJU) has been housed in the attorney general's office since 1987. Since that time, the investigators and attorneys within the unit have worked to assist citizen grand juries in rooting out corruption and prosecuting crimes that might otherwise go unchecked.

"The grand jury process is one that belongs to the citizens," said Joel-Lyn McCormick, chief of the MGJU. "We are there to help jurors apply the law to the situations they are presented with."

The MGJU has traditionally taken on some of the state's most high profile cases, and 2007 was no exception. In April, the Multicounty Grand Jury filed charges against Oklahoma County Commissioner Brent Rinehart and his former campaign manager Tim Pope. The indictment against the men accuses them of conspiring to illegally divert money into Rinehart's campaign for county commissioner. "We believe these men conspired to collect money for Rinehart's campaign from specific donors who had already contributed the maximum amount allowed by law," McCormick said. "We believe this was done intentionally. Oklahomans should be able to count on a fair, honest political system, and we allege the actions of these men compromised that system."

While Pope and Rinehart vehemently denied the allegations, a judge ruled in November that there was sufficient evidence to proceed to trial on the charges against them. Also in 2007, investigators with the MGJU assisted the Oklahoma Horse Racing Commission with the investigation and raid on an illegal horse racing operation in Thackerville. For Edmondson, all of the unit's efforts mean a stronger, cleaner state government.

"When a small few abuse their positions, it casts a negative light on all public employees," Edmondson said. "The outstanding people called to public service and those they serve deserve our best efforts."

## Patient Abuse and Medicaid Fraud Control



Don Brown  
Section Chief

The Patient Abuse and Medicaid Fraud Control Unit investigates and prosecutes Medicaid fraud and provider abuse, neglect and financial exploitation in Medicaid facilities.

### 2007 Highlights

After 20 years as a prosecutor, there is not much that surprises Don Brown, chief of the attorney general's Patient Abuse and Medicaid Fraud Control Unit (PAMFCU). Still, Brown says, it is often disheartening to see the lengths people will go to in an effort to swindle funds from the elderly or incapacitated.

"As we get older, we will all one day be faced with decisions regarding who can act on our behalf when it comes to our money and our personal property," Brown said. "Most people get lucky. But some people will find that the person they have chosen has abused that trust in some way. That's where we come in."

In addition to prosecuting cases in which an individual has defrauded or abused someone in their care, PAMFCU also prosecutes individuals who fraudulently bill the state through its Medicaid program. In 2007, one such case was filed in March against Dr. Patrick Fahey. The unit alleged Fahey provided his patients with prescription drugs without medical basis, and then submitted false claims to Medicaid and Medicare for reimbursement for those drugs. Fahey pleaded guilty to the charges in June and was ordered to pay more than \$13,000 in investigative costs along with fines, court costs and serve a suspended sentence.

A second case that came to a close in 2007 involved a man who said he had been given legal power of attorney over his father's assets. Dr. William Edward Clymer was charged Dec. 13, 2005, in Pawnee County District Court after investigators found he had forged a power of attorney form from his father. Additionally, investigators alleged he filed and settled a lawsuit on his father's behalf without his father's knowledge.

Clymer pleaded no contest to the allegations and was sentenced to a five-year deferred sentence and ordered to pay \$300,000 in restitution.

"It is disappointing any time you see someone taking advantage of the elderly," Brown said. "But in this case, a son committed these crimes against his own father. Sometimes even family can't be trusted, but we will always be there to speak up for those who cannot speak for themselves."

## Public Utilities Unit



Bill Humes  
Unit Chief

The Public Utilities Unit represents and protects the interests of the state's utility customers in rate-related proceedings. The unit also participates in utility-related task forces.

### 2007 Highlights

When it comes to determining the rates utilities can charge for their services, there must be a balance between what is fair to the consumer and what is necessary to ensure reliable service. That is precisely where the attorney general's Public Utilities Unit comes in. The Unit represents ratepayers in cases presented before the Oklahoma Corporation Commission.

"The work we do is about ensuring quality service for Oklahoma ratepayers," said Bill Humes, chief of the Public Utilities Unit. "It's important that reliable service is available at a price that is fair and affordable for everyone, and that's what we try to negotiate."

The most talked about and controversial utility case of 2007 was the Red Rock coal generating facility. OG&E and Public Service Company of Oklahoma (PSO) sought preapproval of the Red Rock plant. Both companies sought a recovery mechanism that would allow a flow-through to customers of financing costs associated with the plant construction prior to commercial operation of the plant. On behalf of ratepayers, the Public Utilities Unit opposed the recovery mechanism and the plant as



proposed. The Corporation Commission ultimately denied the companies' application, finding, as contended by the attorney general's office and other parties, that the utilities failed to consider all reasonable alternatives to ensure that the Red Rock facility was the lowest cost resource.

Additionally in 2007, PSO requested the Oklahoma Corporation Commission grant a rate increase of \$49.7 million. PSO also sought to include construction work in progress (CWIP) costs in the rate base for projects that exceeded six months past the test year. The attorney general not only strongly opposed the CWIP request but also proposed a rate decrease of approximately \$24 million. The Corporation Commission denied the CWIP request entirely and allowed PSO an increase of only \$9.7 million, saving consumers \$40 million.

"Both of these efforts required countless hours of work for the members of the Public Utilities Unit," Attorney General Edmondson said. "In the end though, their work saved consumers money. This is work that goes largely unnoticed. Unless people see an increase in their bills, they probably don't think about the people working to keep rates in check."

## Tobacco Enforcement



W.A. Drew Edmondson  
Attorney General

### Tobacco Enforcement Information

## Victims Services Unit



Susan Krug  
Unit Chief

The Victims Services Unit oversees funding and certification for domestic violence programs across the state. The unit also provides training for law enforcement officers, prosecutors and shelter workers.

### **2007 Highlights**

When certification for Oklahoma's domestic and sexual violence service providers was transferred to the attorney general's office in 2005, change was in the air. But few could have foreseen the changes that would take place in 2007.

For one thing, the attorney general's office worked with the legislature to secure the programs' first funding increase in more than a dozen years.

"There had been small, line-item increases for individual programs throughout the years, but never a system-wide increase," said Susan Krug, chief of the attorney general's Victims Services Unit. "We felt that if services were going to be able to increase for victims, there had to be a way, financially, for the service providers to meet those needs."

After months of meeting with the programs and legislative leaders, the 29 domestic and sexual violence service providers certified by the attorney general's office received a \$500,000 increase. Additionally, the legislature passed a bill that was projected to bring in an extra \$1 million annually through court fees on civil and criminal cases.

"This is money that these programs will be able to use to serve more Oklahoma domestic violence, sexual assault and stalking victims and their children," Krug said. "Some of our state's most vulnerable will be able to get the services they need because of this money. The legislature is to be commended for seeing this problem and addressing it the way they did."

In 2007, the attorney general's office also worked to implement the state's first-ever automated criminal tracking system. OK-VINE, which stands for Victim Information and Notification Everyday was in place in the majority of the state by year's end. The system allows citizens to

register to receive notification if a particular inmate is paroled, released, transferred, escapes or dies. OK-VINE is being funded by a \$1.2 million federal grant.

"This criminal tracking system can provide peace of mind for Oklahomans who want to know the whereabouts of a particular offender," Edmondson said. "This is a particularly beneficial service for crime victims, who may sleep better knowing that there will be some warning if their offender is suddenly released from the criminal justice system."

## Workers' Compensation and Insurance Fraud Unit



Karen Dixon  
Unit Chief

The Workers' Compensation and Insurance Fraud Unit investigates and prosecutes fraud on the part of claimants, doctors, attorneys and insurance companies. The unit also provides education and training about workers' compensation fraud.

### 2007 Highlights

When it comes to the cost of workers' compensation insurance for business, one thing is certain: the price is ever-rising. Those costs are passed on to consumers and even to workers, as businesses struggle to protect themselves and their workers in case of an injury on the job.

One of the reasons for climbing insurance costs is workers' compensation fraud. Each year, the attorney general's Workers' Compensation and Insurance Fraud Unit investigates hundreds of claims. Some of those claims are prosecuted through the attorney general's office with the hopes of keeping fraud at bay and insurance costs down for businesses and consumers.

"We want the word to get out," said Karen Dixon, chief of the attorney general's Workers' Compensation and Insurance Fraud Unit. "Workers' compensation is a good thing for individuals who are legitimately injured on the job. Not receiving benefits can make or break a family. But for those people who try to profit by either creating or overstating a medical condition, we want them to know we are watching, and there will be consequences."

The unit also investigated and prosecuted cases involving individuals who worked in the insurance business and did not apply the money they took in from individuals and businesses to actually providing necessary insurance coverage.

One such case involved Rhonda K. Bonnewell. Bonnewell, a former insurance claims manager, was charged with with five felony counts of grand larceny by fraud. She pleaded guilty to writing more than \$12,000 in checks for her personal debts by charging the money off on legitimate insurance claims. She was ordered to pay restitution and serve a five-year deferred sentence.

Also in 2007, the unit investigated and charged Jimmy Warren Wolff and Rodney Alfred Williams. Wolff and Williams were each charged with one felony count of conspiracy against the state, nine felony counts of filing a false financial statement and one felony count of racketeering. The two men were accused of falsely bolstering their books in an effort to make their insurance company seem solvent, when in reality it was not. Wolff and Williams further falsified records by overstating the value of properties owned by the company. This case is ongoing.

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